

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 1729-42
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/584908</div>
INTERNATIONAL APPLICATION NO. PCT/US2005/001138	INTERNATIONAL FILING DATE 13 January 2005	PRIORITY DATE CLAIMED 13 January 2004

TITLE OF INVENTION
NON-AQUEOUS COMPOSITIONS FOR TREATMENT OF ORTHOPEDIC DEFECTS AND DELIVERY OF BIOACTIVE AGENTS

APPLICANT(S) FOR DO/EO/US
ROYER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ WO 2005/069837 is attached hereto (23 pages specification, claims & abstract (39 claims), sheets drawings).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))
 - a. ☐ is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation).
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.
 - a. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 - b. ☐ Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 To 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13.
 - a. ☒ A **FIRST** preliminary amendment.
 - b. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information. Copy of PCT/IB/308 (Second and Supplementary Notice) and Notification of the Recording of a Change

U.S. A		10/584908				INTERNATIONAL APPLICATION NO. PCT/US2005/001138		ATTORNEY'S DOCKET NUMBER 1729-42	
<input checked="" type="checkbox"/> The following fees are submitted:									
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):									
21. <input checked="" type="checkbox"/> Basic national fee		\$300.00 (1631)/\$150.00 (2631)				\$		150.00	
22. <input checked="" type="checkbox"/> Examination Fee.....		\$0 (1643/2643)				\$		100.00	
23. <input checked="" type="checkbox"/> Search Fee		\$0 (1640/2640)							
	\$100 (1641)/\$50 (2641)							
	\$400 (1642)/\$200 (2642)							
	\$500.00 (1632)/\$250.00 (2632)				\$		250.00	
TOTAL OF ABOVE CALCULATIONS						\$		500.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.									
Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof (round up to a whole number)		RATE			
0 -100		0 /50 =		0.00		\$0.00 (1681)			
						\$0.00 (2681)			
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).								\$ 65.00	
CLAIMS		NUMBER FILED		# EXTRA		RATE			
Total Claims		42 minus 20 =		22 X		\$50.00 (1615)/ \$25.00 (2615)		\$ 550.00	
Independent Claims		8 minus 3 =		5 X		\$200.00 (1614) \$100.00 (2614)		\$ 500.00	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)						\$360.00 (1616)/\$180.00 (2616)		\$ 180.00	
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)								\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.									
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).								+ 0.00	
TOTAL NATIONAL FEE =								\$ 1795.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property								+ \$ 0.00	
Fee for Petition to Revive Unintentionally Abandoned Application; \$1500.00 (1453) / \$750.00 (2453)								\$ 0.00	
TOTAL FEES ENCLOSED =								\$ 1795.00	
								Amount to be refunded: \$	
								Amount to be Charged: \$	

- a. ☐ A check in the amount of \$1795.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees.

A duplicate copy of this form is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.

d. ☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

e. ☒ The entire content of International Application No. PCT/US2005/001138 and any U.S. and foreign application(s) corresponding thereto, and US 60/535,802, referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.

CORRESPONDENCE ADDRESS

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REGISTRATION NUMBER

June 29, 2006

Date